

Public submission from the World Vapers' Alliance to the Irish Department of Health

About the World Vapers' Alliance

The World Vapers' Alliance (WVA) amplifies the voices of vapers worldwide and empowers them to make a difference in their communities. Our members are vapers associations and individual vapers from all over the world. More information can be found on www.worldvapersalliance.com

About this consultation and why the World Vapers' Alliance is responding to it

The Irish Department of Health has launched a [public consultation](#) to collect opinions from the public on the regulation of vaping products. The consultation presents a [summary paper](#) which, while acknowledging that vaping is less harmful than smoking, introduces a number of proposals to restrict vaping, most of them under the assumption that vaping is a gateway to nicotine addiction for children. Among the proposed restrictions are a ban on vaping flavours, a ban on disposable vapes and higher taxes on vaping.

The World Vapers' Alliance considers that the proposed restrictions would be a step backwards in the fight against smoking in Ireland. We are therefore publishing this paper in response to the public consultation to provide evidence on the motivation and potential effects of these restrictions.

How to read this document:

We respond directly to a selection of the questions from the [consultation questionnaire](#).

World Vapers' Alliance's responses to the Questionnaire

Question: Which option do you think would be the most effective way to regulate the advertising and display of nicotine inhaling products in shops?

- a) Nicotine inhaling products must be behind the counter and not be on display or advertised, like the current restrictions on tobacco products
- b) Nicotine inhaling products must be kept behind the counter but can be on display
- c) I think there is a different way to regulate the display of nicotine inhaling products in shops
- d) I disagree with any regulation of the display of nicotine inhaling products in shops

WVA's response:

- b) Nicotine inhaling products must be kept behind the counter but can be on display

The advertising and display regulation of less harmful nicotine inhaling products such as vaping should be more permissive than that of smoking products. Vaping is [95% less harmful](#) than smoking and is the [most effective way](#) to quit smoking. Over [100 organizations & government institutions](#) have acknowledge its lower harm profile, and the systematic evidence reviews from the British health NGO [Cochrane](#) have proven its usefulness as a smoking cessation tool. Consequently, not only should there be fewer restrictions on the advertising and display of vaping products compared to cigarettes, but their regulation should ensure that this information reaches smokers. We therefore believe that vaping products should be kept behind the counter to keep them out of the reach of minors, but that they should be displayed with full information about their reduced harm compared to smoking and their usefulness in helping smokers to quit.

Question: Which option(s) do you think would be the most effective way to regulate flavours in nicotine inhaling products?

- a) Prohibit chocolate, dessert, sweet or candy flavours
- b) Prohibit energy drink or soft drink flavours
- c) Prohibit fruit flavours
- d) Prohibit menthol/mint flavours
- e) Prohibit tobacco flavours
- f) Prohibit tobacco menthol flavours
- g) Prohibit vanilla flavours
- h) Prohibit other flavours
- i) Don't know
- j) I think there is a different way to regulate flavours
- k) I do not think there should be any restrictions of flavours
- l) Prohibit the use of branding/logos

WVA's response:

- k) I do not think there should be any restrictions of flavours

The World Vapers' Alliance considers that prohibiting flavours would threaten smoking cessation efforts and public health in Ireland, given that vaping flavours play a central role in smoking cessation.

The attractiveness of flavoured vaping products is yet one more incentive for smokers considering trying vaping to quit smoking. As Dr. Colin [Mendelsohn](#) stated: *"Flavours are an important part of the appeal of vaping for adult smokers and make the products attractive as an alternative to smoking, just as flavours are also used to enhance the appeal of nicotine gum."* Not only do they help smokers take the first step towards switching, but they also help them quit for good, since they keep them away from the flavour of smoking. In consequence, the use of vaping flavours is associated with a [230% increase in the odds](#) of adult smoking cessation and concluded that: *"Adults who vaped flavoured e-cigarettes were more likely to subsequently quit smoking than those who used unflavored e-cigarettes. (...) Adults who began vaping non-tobacco-flavoured e-cigarettes were more likely to quit smoking than those who vaped tobacco flavours."*

These bans on vaping flavours are intended as a measure to prevent underage vaping. However, vaping flavours are not targeted to minors but to adult smokers, who widely use them, and no evidence supports the idea that they are the cause of the uptake of vaping and smoking by teenagers.

Vaping flavours are commonly used among regular vapers of [all age groups](#). Around [two thirds](#) of adult vapers in the United States and Canada use flavours. A [survey](#) on adult vapers in the United States found that only 2.1% reported tobacco as their single most often used flavour while, at the time of quitting smoking fruit (83.3%), dessert/pastry/bakery (68.0%) and candy/chocolate/sweet (44.5%) flavours were the most useful. In Europe, the latest [Eurobarometer on the Attitudes of Europeans towards tobacco and electronic cigarettes](#) showed that, among those who vape at least on a monthly basis, almost half (48%) use fruity flavours, and 20% use candy flavours. While it is true that flavour use is more often reported in younger age groups, data shows that flavours are widely used by adults, which indicates that they are not targeted to minors.

Prohibiting vaping flavours will therefore disproportionately hit smokers trying to quit, while it is unlikely to reduce youth vaping. Evidence from surveys and flavour bans across the globe has shown that they rather push vapers back to smoking or to the black market:

- [Gravelly et al. \(2020\)](#) surveyed users of vaping non-tobacco flavours in Canada, the United Kingdom and the United States and found that, in the case of a flavour ban, 5 out of 10 would get their flavours from the black market or take up smoking again.
- [Friedman \(2020\)](#) analyzed the effects of a flavour ban in San Francisco and found that it resulted in rising smoking rates among teenagers for the first time in decades.
- [Rich \(2022\)](#) analyzed the effects of a flavour ban in Massachusetts and concluded that it resulted in higher sales of cigarettes.
- [The Tholos Foundation \(2022\)](#) analyzed the effects of a flavour ban in Estonia and found that 60% of vapers kept using them by mixing their own liquids or obtaining them from the black market.

In conclusion, vaping flavours are not targeted to teenagers and the causal relationship with youth vaping is very weak to say the least. Banning them will discourage adult smokers from switching to vaping and push vapers back to smoking or to the black market, where products

do not comply with safety and quality standards, do not pay taxes and are sold to minors. We therefore consider that there should not be any restrictions on vaping flavours.

Question: Do you think that the current laws on smoking should be extended to vaping?

WVA's response:

Vaping is 95% less harmful than smoking and a smoking cessation tool and should be regulated as such. It makes no sense for two products with such different risk profiles to have the same restrictions.

In addition, the harm on passive users, what in smoking is called second-hand smoking, is virtually non-existent in vaping. The aerosols from e-cigarettes contain nicotine that can be assimilated by bystanders, but they do not carry carcinogenic substances like the smoke of tobacco does. Leaving aside the fact that nicotine is relatively safe, [research](#) has shown that "those near a 'vaper' inhale 100 times less nicotine than a passive smoker (...) negligible levels that rule out the existence of the passive vaper". Therefore, the prohibitions on indoor smoking should not be extended to vaping. This would be yet another incentive for smokers to switch to a safer alternative. Instead, it should be up to the ownership of each establishment to allow or prevent smoking in it.

Question: Do you think that proxy sales of tobacco products and nicotine inhaling products should be prohibited?

WVA's response:

The term proxy sales refers to when adults buy an age restricted product on behalf of a child. The current ban on the sale of vape products to children under the age of 18 may not be effective as a result of this practice. Therefore, we think the Irish government should ban proxy sales and establish penalties for those who engage in them.

Question: Do you think an increase in the price of vapes, (e.g. due to an excise tax imposed on e-cigarette liquids), would reduce the number of young people who vape?

WVA's response:

Increasing the price of vapes could reduce the number of young people who vape but would do so only at the expense of increasing the number of young people – and adults – who smoke.

The evidence on vaping taxes is very clear. Vaping and smoking are [substitutes](#), and [increasing the price of one increases the consumption of the other](#). This effect has been proved to be [particularly strong among young adults](#). We can therefore conclude that an increase in the price of vapes would reduce the number of young people who vape, but it would increase

smoking among both adults and children. The net public health effect of this measure would be negative and would condemn thousands of young people to smoking.

Question: What impact, from a public health perspective, would an increase in the price of vapes have?

WVA's response:

As explained in the previous question, an increase in the price of vapes would have a negative impact on public health. It would reduce the attractiveness of vaping by making it more expensive, pushing thousands of vapers back to smoking or the black market. It would also make it more difficult or even prevent thousands of smokers from switching in the future. In addition, the measure would have a particularly negative impact on middle- and low-income groups. It is therefore necessary for the Irish government to maintain a sufficiently wide price differential between vaping and smoking products to incentivise switching.

Question: What impact do you think an increase in price would have on consumption levels?

- a) It would reduce consumption levels
- b) No impact
- c) Products may be sourced outside of Ireland
- d) Don't know

WVA's response:

Regarding vaping, the measure is likely to reduce consumption to some extent. But, as explained above, a portion of vapers would obtain their products on the black market or outside of Ireland at a lower price.

Regarding nicotine consumption, the measure most likely won't have an impact since, as international evidence suggests, those who quit vaping due to the price increase would switch to smoking. Overall, a portion of vapers would be pushed to consume nicotine in a much more harmful way, while total nicotine consumption would remain stable.

Question: Other EU Member States, which tax e-liquids, apply a rate of 10 cent to 30 cent per milliliter. Do you think Ireland should apply a rate in line with other Member States or should a higher rate of tax be imposed?

- a) Apply a rate of tax per ml in line with other Member States
- b) Apply a higher rate of tax per ml
- c) Other

WVA's response:

Ireland should not follow bad examples and should ensure that it maintains a tax differential between vaping and smoking products. To this end, it is best to keep the tax on e-liquids as low as possible and to keep prices as far away from cigarette prices as possible.

Final remarks

The World Vapers' Alliance encourages the Irish Government to take an open approach towards alternative nicotine products.

We encourage Irish policymakers to review the evidence supporting vaping as a smoking cessation aid. A comprehensive review of the literature can be found in our "Vaping and Harm Reduction Factsheet" [here](https://worldvapersalliance.com/harm-reduction-vaping-fact-sheet/):
<https://worldvapersalliance.com/harm-reduction-vaping-fact-sheet/>

For any questions or comments, please contact us.

Michael Landl
Director of the World Vapers' Alliance
michael@worldvapersalliance.com